

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID K. PORATH

Plaintiff,

-v.-

Civil Action No.
9:11-cv-963 (GLS/CFH)

BIRD, Investigator, NYS Police

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

DAVID K. PORATH
11-A-2120
Plaintiff *Pro Se*
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

FOR THE DEFENDANT:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
State of New York
The Capitol
Albany, New York 12224-0341

KEVIN P. HICKEY, ESQ.
Assistant Attorney General

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Christian F. Hummel, duly filed May 7, 2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed¹, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Christian F. Hummel filed May 7, 2013 is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED that Bird's motion for summary judgment (Dkt. No. 46) be DENIED; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: June 3, 2013
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court

¹ On May 31, 2013, the court received a letter from the plaintiff stating, "At this time, the Plaintiff has no objections at all to the "Report Recommendation and Order," filed on May 7th 2013." *See Dkt. No. 66.*